[Sri R. Venkataraman] [24th March 1961

Minor Irrigation Programme, Rs. 32 lakhs for the Rural Water-supply and Rs. 16 lakhs for National Water-Supply Schemes and Rs. 17 lakhs for Road Works in the backward areas of Ramanathapuram District. Under State Trading Schemes, an extra provision of Rs. 86 lakhs has been made for meeting arrears due to the Government of India towards supply of chemical fertilisers.

Loans and Advances.

The main complaint of the demand under "Loans and Advances" is the additional loan of Rs. 259 lakhs to the State Electricity Board. The original loan requirement for the Board was fixed on the basis of a Capital Outlay of Rs. 12 crores in 1960–61 to be met partly by the Board floating an open market loan of Rs. 3·3 crores. The Capital Outlay on Power is now anticipated to reach Rs. 14 crores in the current year and the Board has not been able to go in for open market borrowing. As a result of these factors, an additional sum of Rs. 259 lakhs to the Electricity Board has become necessary. The demand also includes Rs. 11 lakhs more for the Middle Income Housing Scheme, Rs. 10 lakhs more for the Low Income Housing Scheme and Rs. 11 lakhs more for Weavers' Housing and Industrial Housing Schemes. A Ways and Means advance of Rs. 75 lakhs to the State Khadi Board has been provided. This will be recouped at the end of the current year.

Sir, I have very briefly summarised the important provisions in the Final Supplementary Statement for the current year which reflect the increase in the tempo of expenditure on Plan Schemes. Budgetary control over expenditure is only a device to see that moneys are spent on the right priorities approved by the Legislature and in an economical way. The additional appropriations before the House satisfy these cardinal tests and I am sure the House will therefore welcome and approve them.

With these few words, Sir, I commend the Third Supplementary Estimates for the acceptance of the House.

V.—GOVERNMENT BILLS.

(1) THE MADRAS VILLAGE COURTS (AMENDMENT) BILL, 1961 (L.C. BILL NO. 2 OF 1961).

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, I move—

'That the Madras Village Courts (Amendment) Bill,[a] 1961 (L.C. Bill No. 2 of 1961) betaken into consideration'.

Sir, according to section 13 of the Madras Village Courts Act, 1888 (Madras Act I of 1889), village courts can entertain suits up to the value of Rs. 50 only but under section 14 of the Act they

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 8th March 1961.

24th March 1961] [Sri M. Bhaktavatsalam]

can entertain suits up to the value of Rs. 200 with the consent of the parties. It has been suggested that the pecuniary jurisdiction of village courts may be enhanced. The Government have examined the above suggestion and they consider that the pecuniary jurisdiction of the village courts in civil suits should be increased from Rs. 50 to Rs. 200 in all cases irrespective of the question of consent of parties. Therefore it is proposed to amend the Act suitably for this purpose.

Consequent on the introduction of the metric system of weights and measures, it is proposed to make consequential amendment in section 40 of the Act.

It is also proposed to extend the Madras Village Courts Act, 1888 (Madras Act I of 1889) to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district with certain consequential amendments and also to repeal the corresponding laws in force in the said territory.

I request the House to accept the motion.

MR. CHAIRMAN : Motion moved—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961) be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, the Madras Village Courts Act was passed in the year 1888. It has been there for such a long time. Originally the jurisdiction of suits before these courts was Rs. 20. In 1919 it was increased to Rs. 50 and then in the year 1951, I think it was increased to Rs. 100. Now the Government propose to increase it to Rs. 200. I would only like to know whether the Government are satisfied with the working of these courts, in the matter of hearing of suits, in keeping a judicial temper and all that. I want to know whether on the whole the working of these courts is satisfactory according to the Government, because originally we began only with Rs. 20 and then said that with written consent of the parties we might increase the jurisdiction to Rs. 200. If both the parties have confidence in the village court they can do it. This is easily understandable. But now this written consent provision is to be replaced and the jurisdiction is to be raised to Rs. 200 in all cases. Therefore it is very relevant for our purpose to know whether on the whole the Government are satisfied, according to information and the reports received by them, with the working of these village courts, that they are impartial and all that. We all know very well in villages there are these factions and there are very many difficulties and we must have impartial enquiries even in respect of small cases. Therefore, if the Government are satisfied and if they think that is all right I have no objection to this amendment. Once there is a written consent, both the parties are satisfied. It is a matter for them to decide. It may be all right.

[Sri K. Balasubramanya Ayyar] [24th March 1961

But without the written consent now it is to be raised to Rs. 200. Originally it was Rs. 20. In 1919 it was raised to Rs. 50. Again in 1951 it was raised to Rs. 100. (The Hon. Sri M. Bhaktavatsalam: Rs. 150). Now it is raised to Rs. 200 even without the consent of the parties. Therefore I would like to have a general statement from the Hon. the Mover of the Bill about the view of the Government on this particular matter. That is my first point.

Then, the second point is this. The Village Courts Act and the Panchayat Act have been working at cross purposes. The Panchayat Act of 1950 by section 132 abolished all these things. By the Panchayat Act, 1958 we have abolished the panchayat courts and given the jurisdiction to the village courts. The original Village Courts Act in section 8 said that the Collector shall have the power to remove. Therefore if that Act as such is to be extended, the Collector shall have the power of removal on the requisition of the District Judge. Now the Government want to add another section, section 8-A. The original section 8 reads thus :

'The Collector of the District may suspend or remove the Village Munsif or a member of th ePanchayat Court for incapacity, neglect of duty, misconnduct or other just and sufficient cause, and shall do so on a requisition passed by the District Judge for like cause in the judicial proceedings of a village court.

From every order of suspension or removal an appeal may be made within three months to the Board of Revenue if the order was passed by the Collector without orders from the District Judge to the High Court if passed upon such orders. The decision of the Board of Revenue or the High Court as the case may be on all such appeals shall be final.'

Now, by this Amending Bill the Government want to add section 8-A and in this new section it is said that the State Government may suspend. There the Collector has the power. Then the words 'President' and 'Judge' are put in here. In section 8 of the original Act the Collector can suspend or remove the 'village munsif or a member'. The original section 8 is to be extended and shall be in force in the transferred territory. But the new section 8-A reads :

'The State Government may suspend or remove the President or other Judge of a Village Panchayat Court appointed under the Travancore Village Panchayat Courts Act, 1090 (Travancore Act 1 of 1090), and continuing as President or member of the Panchayat Court after the date of the commencement of the Madras Village Courts (Amendment) Act, 1961, for incapability, neglect of duty, misconduct or other just and sufficient cause, and shall do so, on a requisition made by the High Court, for like cause appearing in the judicial proceedings of the Panchayat Court concerned'.

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The original section 8 is there so far as the transferred territory is concerned. I do not know how the proposed section 8-A will work. That is the doubt I have. In section 8, the Collector is given the power to remove the Village Munsif or a member of the Panchayat Court. In the proposed section 8-A, the State Government have the powers to remove the President or other Judge of a Village Panchayat Court. The proposed section 8-A says, ' The State Government may suspend or remove the President . . . . . and shall do so, in a requisition made by the High Court, for like cause appearing in the judicial proceedings of the Panchayat Court concerned '. These two things are quite inconsistent. That is the difficulty I felt so far as the proposed section 8 A is concerned. 8-20 p.m.

The Government want to repeal the Travancore Village Panchayat Courts Act, 1090 (Travancore Act 1 of 1090) and the Travancore-Cochin Village Courts Act, 1953 (Travancore-Cochin Act VII of 1954). Both these Acts are now sought to be repealed and the Madras Village Courts Act extended to the Travancore territory. If this is so, section 8 in the Act will also be there. That is the difficulty that I feel. Section 8 says that the Collector of the District may remove a member of the Panchayat Court. Let us forget the Village Munsif now. The removal of a member of the panchayat shall be made on the requisition of the District Judge. A right of appeal against the removal is also provided in section 8. The proposed section 8-A says that the suspension or the removal of a judge of a Village Panchayat Court shall be made by the Government on a requisition made by the High Court. No mention is made about the right of appeal. This is not clear. The other things are all right. The Government want the Madras Act to be extended to the transferred territory. But how this proposed section 8-A comes in, I am not able to see.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, about the proposal to raise the pecuniary jurisdiction of the village courts from Rs. 50 to Rs. 200, for trying cases without the need for consent of parties, the Board has made a study of it, and has made this proposal which has been accepted by the Government. This is generally in the interests of the parties themselves. Further I may tell the House that there has been a proposal to have a study team to go into the question throughout the whole of India of the working of the Village Courts and Panchayat Courts. As has been pointed out by the hon. Member the provision in the Panchayats Act regarding judicial jurisdiction has been removed. Therefore, Sir, this proposal has been brought forward, and it is now brought in as an amendment to the Village Courts Act. As regards the proposed section 8-A, the idea behind it is to amend the Act so that there may be the same pattern of judicial procedure so far as Travancore is concerned. But at the same time we are not taking away all that exists in the Acts to be repealed.

[Sri M. Bhaktavatsalam] [24th March 1961

In view of the existing state of affairs in Travancore, this section 8-A is inserted as a new provision. It will apply to the transferred area and it will be a temporary measure.

SRI K. BALASUBRAMANYA AYYAR : The Government are applying the Village Courts Act to that area.

* THE HON. SRI M. BHAKTAVATSALAM : What will apply is the proposed section 8-A. It will apply to Kanyakumari and Shencottah.

MR. CHAIRMAN : The question is—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961), be taken into consideration'.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 9 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961), be passed'.

MR. CHAIRMAN : The question is—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

The motion was put and carried and the Bill was passed.

(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1961 (L.C. BILL NO. 3 OF 1961).

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill *, 1961 (L.C. Bill No. 3 of 1961), be taken into consideration'.

Sir, section 9 (2) (*a*) and (*b*) of the Madras Hindu Religious and Charitable Endowments Act, 1959, prescribed the method of recruitment to the post of Commissioner and Deputy Commissioners. This section as it stands does not permit the appointment of Deputy Commissioners to the post of Commissioner by promotion and, likewise, the appointment of Assistant Commissioner to the posts of Deputy Commissioners. In any service, while prescribing methods of appointments, appointment by promotion is also generally provided for and the absence of such a provision in the present Hindu Religious and Charitable Endowments Act has denied the prospects of promotion to the Assistant Commissioners and Deputy Commissioners. This will make them lose their enthusiasm and incentive to work and consequently will affect the interest of the

* Published in the *Fort St. George Gazette* Extraordinary, dated 13th March 1961.